

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

IN RE:

JOSEPH MARTIN THOMAS,

Debtor.

)
) Bankruptcy Case No. 20-10334 TPA
)
) Chapter 11
)
)
) Document No. _____
)
) Relates to Doc. No. 265
)
) Hearing Date & Time:
) March 25, 2021 @ 10:00 a.m.
)
) Responses Due: March 18, 2021

JOINT STIPULATION AND AGREED ORDER

It is hereby stipulated and agreed by and between Steven E. Ribbing and Kay B. Ribbing (the “Ribbings”) and the Debtor, as follows:

WHEREAS, by Order of Court entered February 23, 2021, the Ribbings were granted relief from the automatic stay to pursue malpractice claims against the Debtor, subject to the limitation that any recovery be limited to available insurance proceeds;

WHEREAS, on February 16, 2021, the Debtor filed a Disclosure Statement, Plan Summary and Plan dated February 15, 2021;

WHEREAS, the Disclosure Statement and Plan each contain provisions pertaining to the treatment of a class of claims that includes the Ribbing’s claims; and

WHEREAS, the Ribbings have asked the Debtor to agree that notwithstanding anything set forth in either the Disclosure Statement, Plan or any related documents, nothing therein, including without limitation any provision that requests or grants the Debtor a discharge, shall

affect the Ribbing's rights to pursue their claims against the Debtor, subject to the limitation that any recovery be limited to available insurance proceeds.

NOW THEREFORE, IT IS HEREBY STIPULATED AND AGREED:

1. Each of the above recital clauses is incorporated herein by reference as though fully set forth in this paragraph 1.
2. Notwithstanding anything set forth in either the Disclosure Statement, Plan or any related documents, nothing therein, including without limitation any provision that requests or grants the Debtor a discharge, shall affect the Ribbing's rights to pursue their claims against the Debtor, subject to the limitation that any recovery be limited to available insurance proceeds.

Dated: March 12, 2021

STEVEN E. RIBBING AND KAY B.
RIBBING

/s/ Ronald B. Roteman
Ronald B. Roteman, Esquire
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JOSEPH THOMAS MARTIN

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Dated:
IT IS SO ORDERED:

**Thomas P. Agresti, Judge
United States Bankruptcy Court**